

United States Bankruptcy Court District of Colorado				Voluntary Petition	
Name of Debtor (if individual, enter Last, First, Middle): Durango Marble & Granite, LLC			Name of Joint Debtor (Spouse) (Last, First, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):			All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):		
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN(if more than one, state all): 84-1473051			Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN(if more than one, state all):		
Street Address of Debtor (No. & Street, City, and State): 190 Sawyer Drive, Unit C Durango, CO			Street Address of Joint Debtor (No. & Street, City, and State):		
ZIP CODE 81303			ZIP CODE		
County of Residence or of the Principal Place of Business: La Plata			County of Residence or of the Principal Place of Business:		
Mailing Address of Debtor (if different from street address):			Mailing Address of Joint Debtor (if different from street address):		
ZIP CODE			ZIP CODE		
Location of Principal Assets of Business Debtor (if different from street address above):					
ZIP CODE					
Type of Debtor (Form of Organization) (Check one box.) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) _____		Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code.)		Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or house- hold purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.	
Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b) See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.			Chapter 11 Debtors Check one box: <input checked="" type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input checked="" type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. Check all applicable boxes <input type="checkbox"/> A plan is being filed with this petition <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).		
Statistical/Administrative Information <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.					THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000					
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion					
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input checked="" type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion					

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): Durango Marble & Granite, LLC	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)			
Location Where Filed: NONE	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: NONE	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b). <input checked="" type="checkbox"/> Not Applicable Signature of Attorney for Debtor(s) _____ Date _____	
Exhibit C			
Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No			
Exhibit D			
(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box)			
<input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.			
<input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.			
<input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.)			
<input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following). <div style="text-align: right;"> _____ (Name of landlord that obtained judgment) </div> <div style="text-align: right;"> _____ (Address of landlord) </div>			
<input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and			
<input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.			
<input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

B 1 (Official Form 1) (1/08)

FORM B1, Page 3

Voluntary Petition <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s): Durango Marble & Granite, LLC
Signatures	
Signature(s) of Debtor(s) (Individual/Joint) I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b). I request relief in accordance with the chapter of title 11, United States Code, specified in this petition. <input checked="" type="checkbox"/> Not Applicable Signature of Debtor _____ <input checked="" type="checkbox"/> Not Applicable Signature of Joint Debtor _____ Telephone Number (If not represented by attorney) _____ Date _____	Signature of a Foreign Representative I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition. (Check only one box.) <input type="checkbox"/> I request relief in accordance with chapter 15 of Title 11, United States Code. Certified Copies of the documents required by § 1515 of title 11 are attached. <input type="checkbox"/> Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the Chapter of title 11 specified in the petition. A certified copy of the order granting recognition of the foreign main proceeding is attached. <input checked="" type="checkbox"/> Not Applicable (Signature of Foreign Representative) _____ (Printed Name of Foreign Representative) _____ Date _____
<input checked="" type="checkbox"/> Signature of Attorney Signature of Attorney for Debtor(s) _____ Heather E. Schell Bar No. 38931 Printed Name of Attorney for Debtor(s) / Bar No. Kutner Miller Brinen, P.C. Firm Name 303 E. 17th Ave., Suite 500 Address Denver, CO 80203 303-832-2400 303-832-1510 Telephone and Fax Number Date and E-Mail Address _____ *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.	Signature of Non-Attorney Petition Preparer I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached. <input checked="" type="checkbox"/> Not Applicable Printed Name and title, if any, of Bankruptcy Petition Preparer _____ Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.) _____ Address _____ <input checked="" type="checkbox"/> Not Applicable Date _____ Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above. Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual. If more than one person prepared this document, attach to the appropriate official form for each person. <i>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.</i>
Signature of Debtor (Corporation/Partnership) I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition. <input checked="" type="checkbox"/> _____ Signature of Authorized Individual Michael Schweitz Printed Name of Authorized Individual Manager Title of Authorized Individual Date <u>1/15/2010</u>	

UNITED STATES BANKRUPTCY COURT
District of Colorado

IN RE

CASE NO. _____

Durango Marble & Granite, LLC


CHAPTER 11

DEBTOR(S)

VERIFICATION OF CREDITOR MATRIX

The above named Debtor(s) hereby verifies that the attached matrix list of creditors is true and correct to the best of our knowledge.

Date: 1/15/2010


Michael Schweitz

Debtor

10:36 AM
01/15/10
Cash Basis

Durango Marble and Granite, LLC
Profit & Loss
January through December 2009

	Jan - Dec 09
Ordinary Income/Expense	
Income	
labor-Income	140.00
Natural Stone Income	888,952.70
Slab Inventory Sales	3,280.00
Tile and Fixtures Sales	340.00
veneer stone	39,627.00
Total Income	932,339.70
Cost of Goods Sold	
labor	27,223.62
Material	391,017.86
Total COGS	418,241.48
Gross Profit	514,098.22
Expense	
Accounting	850.00
Advertising/Promotion	17,535.62
Bank Charges	5,377.27
Commission	6,093.00
Donations	325.00
Dues, memberships	584.90
Fines Penalties	7.10
Freight	26,142.60
Hardware and Fixtures	9,115.35
Health Care	4,671.06
Interest Expense	25,367.18
Legal Fees	29,405.73
Liability and Auto Insurance	13,543.95
Licenses and Fees	833.68
Life Insurance	835.00
Office Supplies	3,818.01
Parking Fees	61.00
Partner Draw	94,293.12
Payroll Expenses	209,405.35
Postage	1,543.13
Reconciliation Discrepancies	26.72
Rent	1,183.00
Shop	
Electrician	2,412.39
Misc	3,780.43
Shop Maintenance	3,657.82
Shop Rent	55,440.00
Shop - Other	11,520.19
Total Shop	76,810.83
Sinks	3,030.00
Snow Removal	442.50
Telephone	11,665.63
Tool Rental	1,964.99
Tools and Abrasives	36,331.75
Travel	6,515.92
Travel Accomodations	5,020.04
Travel Meals	4,092.85
Travel Transportation	11,022.89
Truck	
Trailer	502.27
Truck Fuel	10,934.19
Truck Lease	150.00
Truck Maintenance	8,112.85
Total Truck	19,699.31

10:36 AM
01/15/10
Cash Basis

Durango Marble and Granite, LLC
Profit & Loss
January through December 2009

	Jan - Dec 09
Uncategorized Expenses	15.00
Uniforms	3,262.59
Utilities	13,338.48
Waste Removal	2,174.64
Workers Comp	4,190.00
Write off	515.46
Total Expense	651,110.65
Net Ordinary Income	-137,012.43
Other Income/Expense	
Other Income	
Misc Income	72.38
Total Other Income	72.38
Net Other Income	72.38
Net Income	-136,940.05

10:35 AM
01/15/10
Cash Basis

Durango Marble and Granite, LLC
Balance Sheet
As of December 31, 2009

	<u>Dec 31, 09</u>
ASSETS	
Current Assets	
Checking/Savings	
First National Bank of Durango	12.00
SW Co. Federal Credit Union	4,328.86
SWFCU Savings	99.00
Total Checking/Savings	<u>4,439.86</u>
Accounts Receivable	
Accounts Receivable	-74.52
Total Accounts Receivable	<u>-74.52</u>
Other Current Assets	
Deposits	6,057.99
Inventory	89,000.90
Note Receivable PGW	10,883.10
Total Other Current Assets	<u>105,941.99</u>
Total Current Assets	110,307.33
Fixed Assets	
2005 2500 Truck Bed	6,690.00
Accumulated depreciation	-230,535.52
Business Software	15,503.13
Computers 2006	2,252.00
Dell Laptop	1,319.00
Dodge 2005	39,178.20
Intermac CNC	180,350.00
Laser Templater	10,000.00
Master 3000 III	4,300.00
Office Remodel	10,315.56
Park Pro Edge	100,077.25
Pedrini M930	159,357.72
PGW Machinery	75,031.50
Showroom	24,109.53
Toyota Tundra 06	36,333.63
Total Fixed Assets	<u>434,282.00</u>
Other Assets	
Shop Infrastructure	5,006.00
Total Other Assets	<u>5,006.00</u>
TOTAL ASSETS	<u><u>549,595.33</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	19,584.08
Total Accounts Payable	<u>19,584.08</u>
Credit Cards	
American Express Gold-41008	24,126.56
american express plat-71007	10,134.67
Cliti Business 5390 (was1214)	92,254.58
Mastercard 3079	10,217.85
United Mileage 0908	33,701.75
US Airways-0788	13,753.93
Visa 3706	6,300.00
Total Credit Cards	<u>190,489.34</u>

10:35 AM
01/15/10
Cash Basis

Durango Marble and Granite, LLC
Balance Sheet
As of December 31, 2009

	Dec 31, 09
Other Current Liabilities	
American Bank Pro Edge	44,098.43
Intermac 33	110,076.64
Loan Payable PGW Equipment	45,888.82
Note Payable Forklift & Master	10,299.03
Note Payable Tundra 06	13,548.04
Pedrinini M930 Lease	99,674.64
Total Other Current Liabilities	<u>323,585.60</u>
Total Current Liabilities	533,659.02
Long Term Liabilities	
Capitol contribution	107,785.93
Total Long Term Liabilities	<u>107,785.93</u>
Total Liabilities	641,444.95
Equity	
Opening Bal Equity	-20,437.80
Retained Earnings	65,528.23
Net Income	-136,940.05
Total Equity	<u>-91,849.62</u>
TOTAL LIABILITIES & EQUITY	<u><u>549,595.33</u></u>

B4 (Official Form 4) (12/07)

**United States Bankruptcy Court
District of Colorado**

In re Durango Marble & Granite, LLC

Debtor

Case No. _____

Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	<i>Amount of claim [if secured also state value of security]</i>
Citibusiness Card P. O. Box 688901 Des Moines, IA 50368-8901				\$89,785.70
Costa Granitos LTDA Rua Atalyoes Morira De Sousa 502 Civit 1-29.168-060-Serra/ES Brasil				\$36,969.01
United Mileage Cardmember Service P. O. Box 94014 Palatine, IL 60094-4014				\$33,701.75
US Bank 1450 Channel Parkway Marshall, MN 56258				\$32,256.00
American Express P. O. Box 650448 Dallas, TX 75265-0448				\$23,555.50
Brasvit AV Rio Bronco 01/1707 Rio De Janeiro, RJ-20090-003 Brasil				\$16,644.51

B4 (Official Form 4) (12/07)4 -Cont.

In re Durango Marble & Granite, LLC

Debtor

Case No. _____

Chapter 11**LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS**

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	<i>Amount of claim [if secured also state value of security]</i>
US Airways Mastercard Business Card Services P. O. Box 23066 Columbus, GA 31902-3066				\$10,217.85
Legacy Receivables Group, LLC Randall Evans 2035 N. Central Circle, Suite 201 McKinney TX 75069				\$9,720.03
Dex Media East, LLC PO Box 78041 Phoenix, AZ 85062				\$2,576.96
Ferguson Enterprises 17655 E 25th Drive Aurora, CO 80011				\$1,500.00
Dex East PO Box 78041 Phoenix, AZ 85062-8041				\$988.82

B4 (Official Form 4) (12/07)4 -Cont.

In re Durango Marble & Granite, LLC

Debtor

Case No. _____

Chapter 11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(1)	(2)	(3)	(4)	(5)
<i>Name of creditor and complete mailing address including zip code</i>	<i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	<i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	<i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i>	<i>Amount of claim [if secured also state value of security]</i>

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, Michael Schweitz, Manager of the Corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date: 1/15/2010

Signature: _____

Michael Schweitz, Manager

(Print Name and Title)

Penalty for making a false statement or concealing property. Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C §§ 152 and 3571.